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Sir

In conformity with your request as per despatch of 29th ultimo

* On the 5th day of December 1866 the day on which the fourth session of the Idaho Legislative Assembly convened,

I beg leave to submit the following Report. Regarding it as my official duty, I proceeded in person ~~on the morning of the opening of the late session of the Idaho Legislature~~, to the Council chamber and Hall of Representatives, and there presented to F. W. Bell former Clerk of the House of Representatives and member elect to ~~this~~ the present session and to Chas. C. Dudley C. Clerk of the past and present Council, with blank oaths of Allegiance and of Office for all the Members and Officers for each branch of the Legislature both Oaths the same as ~~the ones~~ were administered ~~and taken by~~ to all the Members and Officers of the preceding Legislative Assembly.

I was then asked by S. B. Fenn if I had the new oath ~~of office~~ (referring as I understood to the oath of office, [illegible] ~~prescribed at the former session of the Territorial Legislature~~)

My reply was that the blanks that I had there furnished were the ~~only~~ forms of oaths and the only ones to be used ~~that~~ I had any knowledge prescribed by Congress, upon hearing this some of the members remarked that they would take no other oath than the one prescribed by the last session of the Legislature. Others expressed a willingness to take the oath of allegiance if necessary.

The result was, as I ~~am~~ have been [illegible] informed, after some discussion of the subject the conclusion was ~~reached~~ arrived at by a majority of the members elect, that the only oath required was the oath prescribed by the Territorial Legislature of last ~~year~~ session Which was administered by Chief Justice McBride, ~~a copy of the oath~~ the oath so taken was not transmitted to this office until the last day of the Session.

Some Members of both, the Council and House of Representatives not being satisfied on the subject, came to this office in the early part of the Session and took the oath of Allegiance as prescribed by Congress.

Upon the reception of the telegram from Secty McCulloch ~~to~~ Geo. Ainslie President of the Council informing him that $20,000 had been placed to my credit at the assistant Treasury NY which was some days prior to the close of the Session I was daily annoyed by parties ~~wanting~~ wishing to know if I intended to use ~~the~~ money placed to my credit in paying the current expenses of the ~~present~~ session.

My reply was that it was my purpose faithfully to carry out any Instructions that I might receive from the Department, on the subject. That as yet I had recd nothing but a telegram stating that $20,000, had been placed to my credit, that I doubted not but that I should receive full instructions touching the matter at an early period,

In the mean time, On the ~~day~~ evening previous to the adjournment I received an answer to my telegram of Dec 21st as follows viz

~~instructing me not to pay or certify to members until they have taken the oath required by law. await Instructions from this~~ for Wash^n Dated Dec 29th

Rec^d Dec 29 1866, P.M.

"S. R. Howlett. Secy Boise City Idaho via Virginia City M.T. : Dont pay or certify to members until they have taken the oath required by law, await Instructions from this or the State Department.

H. McCulloch

Secy Treasury"

On the evening of the adjournment I transmitted certified copies of the above dispatch to each branch of the Legislature. The two houses met in joint convention issued a summons for me to appear before them which, (in order to save time and [illegible]) I responded to, without delay. On my arrival at the Hall I was announced by the President Hon Geo Ainslie whereupon a motion was made that I should be put upon oath, pending this motion sundry gross and insulting remarks were made by some members of the convention. The oath was administered requiring me to make true answers to such questions as might be put to me under the direction of a committee appointed by the ~~joint~~ said convention. From the character of the questions put to me it soon became evident that they were attempting to show that the telegram last alluded to ~~relating to~~ was not genuine, and had been counterfeited for the purpose of defrauding them out of their money &c. √ At the close of the examination

x among other questions that was propounded to me was one from the President Mr Ainslie. "where does Mr Cummings keep his money and others of a similar character speeches were made by Messrs Frew and Strait, members of the Council, charging me with fraud and corruption and with taking a part in common with others in robbing them and swindling the Government. During the remainder of the evening I was ~~reliably informed by parties~~ ~~by parties~~ reliably informed by persons present ~~entitled to the respect and confidence of all who know them~~ that threats of the most violent character were repeatedly ~~by~~ made against my person, and the ~~Secretary's~~ Office, and against most of the Government Officials in Boise City.

Early the next morning it was reported on the streets that I had left town, and about ten O'clock I was waited upon in my office by H. C. Riggs member of the Council from this (Ada) County who on entering the office informed me that he had understood that I had runaway from town, and that he had come to ascertain if it was true. After which he proceeded, in the use of the most abusive language, to charge me with fraud and injustice, and in ~~the~~ presence of the Governor and his Private Secretary. said ~~that~~ if I did not pay the money he would make it too d-d hot for me to stay in town. My reply was that I would doso as soon as I recived instructions to that effect. To which he replied that I should pay it that day or leave town, using an amount of profanity and scurrilous epithets which I do not chose to repeat in this communication, remarking at the same time that he would give me one hour to consider.

~~The Session having closed the evening previous at 12 o'clock~~ ~~I had~~ I gave instructions to the porter to close and lock the doors of both Houses. [illegible]
On the morning of the 12th Inst, I gave him orders ~~to Mr~~ ~~Porter~~ ~~Mr Farnsworth~~, to get the job wagon and remove ~~the furniture~~ from the Halls, on his arrival there he found ~~that~~ the door of the Council Chamber had been forced ~~broken~~ open and occupied by members and attaches of the late Legislature, many were freely indulging in the most angry and violent threats against myself and other Government appointees.

The Seargent at Arms of both branches forbade him removing any article of furniture from the Halls at the same time threatening him with personal violence if he attempted to carry out my instructions relative to a removal of the property. During the day the ~~office~~ Seargt at Arms of the Council (B. W. Anderson) informed the Governor, that he had thrown out, at the window a number of lamps that had been furnished for the use of the Legislature. These lamps were furnished at a cost of from ten to thirty dollars each. ~~About ten o'clock the same morning~~ On learning the condition of things I called upon the U.S. Marshal (J. H. Alvord) and requested him to take such measures as he might think ~~necessary~~ proper for the protection of the property in question; who dispatched a deputy to the Garrison distant about 3/4 of a mile, requesting that a file of Soldiers be sent down to aid him in securing the property from further violence.

Mr Riggs the member alluded to (from this County) after saying that he would give me one hour for consideration left my office. this was about eleven O, Clock A,M, About noon I was waited upon by the Speaker of the House and President of the Council attended by most of the members of both branches of the Legislature and attaches, by whom I was Informed that they had come to ask me whether I had made up my mind to pay off the members and attaches of the Legislature, My reply was that I had taken the matter under advisement but would like further time for consideration. They answered that I could have until 1/2 past two O Clock P.M, and that at that time I must come in person to the Hall which had been occupied by the House of Representatives, where they would be, and give them an answer. which I assented to, I at once called upon the District Attorney, G.C. Hough who was here present for his opinion and advice on the subject. I laid before him all the instructions I had received on the subject, He gave his opinion ~~promptly~~, on the subject a copy of which is herewith transmitted. According to agreement at 1/2 past two Oclock I proceeded to the Hall attended by the Sergt at Arms Mr Miner and others. It so occurred that during the time, that the file of soldiers sent for to protect the U.S property arrived in front of the Hall ~~arrived~~ at about the same time that I did

At the sight of which many of the members became so incensed that I considered myself in very great danger of personal violence

Language not only insulting and abusive but threats and menaces of the most violent character were freely indulged in by many parties who had crowded into the Hall which was filled to its utmost capacity. The President of the Council taking the lead in the use of violent language.

Had it not have been for prompt action on the part of Sergt at Arms Beatty and some others I have but little doubt but that I ~~had~~ would have suffered personal violence at the hands of the infuriate mob, During the melee I was once struck at by Mr Stout, (~~Legislative~~ Councilman and commissioner elect) who aimed a blow full in my face. Mr Beatty, (~~I am quite sure~~ or Mr. Abbott) however saw the blow in time to partially ward it off, so that I was only slightly grazed on the side of the face

By the assistance of some friends I at length succeeded in making my escape, and was attended by Sergt at Arms to the Marshals office

Their threats of violence against me continued until dark, at which time I was again waited on by Messrs. Ainslie and Fenn, who came with a proposition to this effect, that the whole matter should be, by consent laid before U.S. Judges McBride and Cummins, who ~~were~~ present, ~~and that~~ they would by the opinion expressed by them as to whether I would be justifiable in paying out the money under the circumstances. Mr Ainslie in the mean time threatening that he would have the money or something else and that he would cut my throat from ear to ear if I did not pay it.

To save the effusion of blood and destruction of property I consented to the proposition. The matter was unofficially laid before the Judges above alluded to, who after a careful examination of all the papers bearing on the subject gave it as their opinion that the Department would sustain me under the circumstances in paying the members and officers on their taking the Oath of Allegiance in addition to the Oath of Office taken at the commencement of the session

Which Oath was administered on the fourteenth day of January inst. and are now on file in this office, and I have paid all the members and with one exception the clerks of said Legislative assembly

On the evening of the session the Legislature passed a Concurrent Resolution allowing the Clerks six days after the close of the session to complete (and bring to this office) the unfinished business and the journals, which Journals and papers up to this time have not been returned

Boise City January 19th 9 PM

Secretary Howlett

I will further State that the time the Soldiers took their departure from the Hall it was proposed that they should give three groans for the American Soldiers, Accompanying this are the affidavits of Several Citizens of first respectability together with Careful Copies of the oath repealed and the new one, you will also find the Statement of J. S. Reynolds in relation to the whole matter in question

All of which is here~~by~~ with submitted

Very Respectfully
S R, Howlett
Secretary Idaho

Hon. W. H. Seward
Secretary of State
Washington
D. C.

Rough Copy
Secretary Howlett's
to the State Department
Washington, Jany 1867

v. 14
Petitions to
Legislature,
Money Bills,
& Affidavits.